

# LANI ADLER PARTNERS

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**By ECF**

December 1, 2022

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Honorable Valerie E. Caproni, United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 240  
New York, New York 10007  
[CaproniNYSDChambers@nysd.uscourts.gov](mailto:CaproniNYSDChambers@nysd.uscourts.gov)

**MEMO ENDORSED**

*4Wallebitda, LLC and John Sullivan v. Matthew Shendell, Fondue 26, LLC, Ronbon, LLC, Ains Nashville, LLC, Ains KC, LLC, Ainsph, LLC, Ainsworth Grille Portal, LLC, Ains IP Company, LLC, Paige Hospitality Group, LLC and Ains Holding Company LLC,*  
Case No. 22-cv-07465 (VEC)

Dear Judge Caproni:

I am one of the attorneys representing the Plaintiffs in this action for Lanham Act and state law violations based on the undisputed fact that, as Defendants admit, while Plaintiffs own the federally registered “The Ainsworth” trademark and all good will in it, Defendants who have had a limited license to use that trademark, have asserted in court and to third parties that they exclusively own “theainsworth.com” domain name.

The previously adjourned Initial Pretrial Conference in this matter is now scheduled for tomorrow, December 2, 2022, at 10 am. I write in response to the letter filed this morning by Jeffrey Lindenbaum, counsel for Defendants, in which Mr. Lindebaum informed the Court that he is ill and requested that the Court permit the Conference to proceed tomorrow by telephone or videoconference if doing so was acceptable to the Court. If acceptable to the Court, Plaintiffs have no objection to proceeding with the pretrial conference tomorrow by telephone or video conference.

The Court has just rescheduled the conference to December 9, 2022 at 10 am. I am having surgery on December 8, 2022, the day before the new date, and will not be able to attend on December 9. Accordingly, I again request that the Conference proceed tomorrow remotely, if the Court is amenable to that, so that it is not delayed again. Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Lani A. Adler

Lani A. Adler

cc: Vince Avery, Esq. (by ECF)  
Jeffrey Lindenbaum, Esq. (by ECF)

The IPTC scheduled for December 9, 2022, is hereby ADJOURNED. The parties are directed to meet and confer and, no later than **December 5, 2022**, jointly propose mutually agreeable dates to hold an in-person pre-trial conference before December 22, 2022.

SO ORDERED.

Date: 12/1/2022



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE